

IN THE UNITED STATES DISTRICT COURT
FOR THE FIRST CIRCUIT

James P. Ryan, Plaintiff/Appellant)
v.)
Carlo DeMaria, Jr, et., al)
Defendant/ Appellees) Originating Case USDC 1:21-cv-11158 NMG
)

2022 JUL 26 PM 12: 27

MOTION FOR AN OUT OF TIME APPEAL

Comes now, James P. Ryan and files this Motion for An Out Of Time Appeal Pursuant to Rule 4 of the Federal Rules of Appellate Procedure and as grounds state the following to wit:

1. James P. Ryan prosecuted the above Case pro se due to La Cosa Nostra elements with some of the Defendants.
2. The Plaintiff complied with the 14 Day opportunity to oppose the March 3, 2022 Determination by the Court.
3. The Plaintiff now offers to take a Polygraph to prove the Plaintiff did not receive a Copy of the Response from the Court after Plaintiff Filed the Opposition Documents on March 11, 2022.

The Plaintiff was told by the Clerk's Office Staff Member, after Hand delivering the Opposition on March 11, 2022 that a Response would be arriving in the Mail. Plaintiff made multiple phone calls to the Clerk's Office seeking information regarding the promised Response. Voicemails were also left at the Clerk's Office. Voicemails were left with Steve York. Emails (Attached) were also sent to Douglas Warnock without any response.

(Attachment B)

4. This is the second time Plaintiff did not receive a Document from a Clerk's Office. At Lynn District Court, in the Angiulo/Witness tampering Matter, a Court Denial was never received by the Plaintiff. It is possible that the USDC Clerk's Office did mail a Response, but, it was lost in the Mail. It is possible it was placed in the wrong Mailbox. U.S. Postal Service has been the way in which this Pro Se Plaintiff has been consistently receiving Notices since Filing in July 2021. There has never been an issue.

5. Plaintiff spoke with Clerk's Office Staff Members and was always told something would be arriving, but, they didn't know when. On April 22nd and 24th, 2022, Plaintiff emailed Douglas Warnock. On May 24th Plaintiff emailed Douglas Warnock again. On June 6th, 2022, Plaintiff emailed Douglas Warnock again referencing Voicemails to Steve York that weren't returned. (Attachment) *B*

6. Plaintiff, after not receiving a Response by U.S. Mail and not getting any response from the Clerk's Office by email or voicemail, decided to File the Appeal.

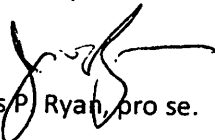
7. Plaintiff, upon receipt of the Joint Motion of Certain Defendant-Appellees for Summary Judgement Dated July 14th, 2022, but not mailed until July 18th, 2022, decided to file this MOTION FOR AN OUT OF TIME APPEAL.

In Harris v. Biddle, United States District Court for the Western District of Tennessee Western Division on July 15, 2021 No. 2:18-cv-02631-MSN-Tmp. Order Granting in Part and Denying in Part Plaintiff's Motion for An Out of Time Appeal.

The Undersigned Plaintiff-Appellant urges this Court to allow this Appeal due to the extenuating circumstances which include an intentional Default in Middlesex Superior Court (2012), proven Witness Tampering by Middlesex District Attorney's Office (2016) and Obstruction of Justice during the KPLaw Deposition (2016)

The movant herein states that this Motion is made in the interest of Justice and the Plaintiff-Appellant has never been before a Judge in this Matter.

Respectfully submitted this *26th* day of July, 2022


James P. Ryan, pro se.

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